

**GUSTAFSON GLUEK PLLC**

ATTORNEYS AT LAW

CANADIAN PACIFIC PLAZA

120 SOUTH SIXTH STREET, SUITE 2600

MINNEAPOLIS, MINNESOTA 55402

TEL (612) 333-8844 • FAX (612) 339-6622

CATHERINE K. SMITH

CSMITH@GUSTAFSONGLUEK.COM

March 27, 2019

**VIA ECF**

The Honorable Eric C. Tostrud  
United States District Court  
334 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

Re: ***Penrod, et al., v. K&N Engineering, Inc.,***  
**Civil Action No. 0:18-cv-2907-ECT-LIB**

Dear Judge Tostrud:

Plaintiffs John Penrod, Gus Erpenbach, and Juan Welsh respectfully submit the enclosed supplemental authority, *Hartley v. Sig Sauer, Inc.*, No. 4:18-cv-00267-HFS, ECF No. 41 (W.D. Mo. Mar. 25, 2019) (attached hereto as **Exhibit A**) for the Court's consideration with regard to Defendant K&N Engineering, Inc.'s motion to dismiss. The *Hartley* opinion is relevant to the jurisdictional arguments Defendant raises on pages 15-18 of its motion to dismiss, and the arguments Plaintiffs raise on pages 12-14 of their opposition brief.

Plaintiffs filed their opposition brief on March 5, 2019. Had the decision been published prior to March 5, 2019, Plaintiffs would have included it in their opposition brief. Plaintiffs will be relying on the above supplemental authority at the hearing on Defendant's Motion to Dismiss, scheduled for April 1, 2019.

Sincerely,

GUSTAFSON GLUEK PLLC

s/ Catherine K. Smith

Catherine K. Smith

CKS/jlh

Enclosure

cc: All Counsel of Record (via ECF)